EXHIBIT D

SurgAssist Computer Powered Stapling System, as alleged in paragraph 9 of the Complaint.

RESPONSE TO INTERROGATORY NO. 4.

Plaintiff made complaints via ICRs on 8/30/04, 9/17/04, 9/17/04, 12/13/04, 02/24/05, 03/15/05, 03/15/05, 04/07/05, 04/25/05, 04/25/05, 05/10/05, 05/13/05, 07/14/05, 07/21/05, 08/16/05, 09/05/05, 09/09/05, 09/14/05, 10/30/05, 02/02/06, 02/04/06. Such ICRs were produced by Defendant.

Plaintiff made complaints to his supervisor, Rob Chase, on unknown dates and at a meeting of the American Bariatric Surgeons Association on or around July 1, 2006. In this complaint, Mr. Tantiado stated to Mr. Chase that he could no longer sell the dangerous products produced by PMI until the problems were corrected, to which Mr. Chase responded "that is not what they want to hear."

INTERROGATORY NO. 5.

Please identify each individual to whom you made a complaint regarding the integrity of the SurgAssist Computer Powered Stapling System, as alleged in paragraph 9 of the Complaint.

RESPONSE TO INTERROGATORY NO. 5.

Power Medical Interventions Quality Control, names of personnel unknown.

Rob Chase.

INTERROGATORY NO. 6.

Please state the basis for your allegation in paragraph 11 of the Complaint that PMI violated 21 U.S.C. 351(e) and related FDA regulations including 21 C.F.R. 803 and 21 C.F.R. 5 820 et seq. pertaining to medical devices which are nonconforming or otherwise do not operate in their intended manner.

RESPONSE TO INTERROGATORY NO. 6.

In failing to heed Plaintiff's warnings, Defendant violated 21 U.S.C.A. 351(e) and related FDA regulations including 21 CFR 803 and 21 CFR 820 *et seq.* pertaining to medical devices which are nonconforming or otherwise do not operate in their intended manner. Defendant continued to demand that its salespeople sell these dangerous, non-conforming products to